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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,654	09/18/2001	Adolf Proidl	AT 000053	7510

24737 7590 07/18/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

TANG, KAREN C

ART UNIT PAPER NUMBER

2151

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,654

Applicant(s)

PROIDL, ADOLF

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

- This action is responsive to the amendment and remarks file on 4/7/06.
- Reopen the prosecution due to persuasive arguments.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Such as European Patent Application 00980114.2.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 10, 11, 12, 18, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Background Invention in Specification hereinafter BI (pages 1 and page 2, Lines 1-15).

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1. Referring to Claims 1 and 11, BI disclosed an internet receiving arrangement for receiving information data stored in information servers connected to the internet, the arrangement having address retrieval means which, when activation information is present, are adapted to retrieve collective address information from an address server connected to the internet (refer to Page 1, Lines 1-15),

the collective address information identifying those information from which information data processable by the internet receiving arrangement can be retrieved, and having information retrieval means for retrieving the processable information data from an information server identified by the retrieved collective address information (refer to Page 1, Lines 15-20), and having

quality test for testing the information data retrieved and received by the information retrieval means for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value or when no information data processable by the internet receiving arrangement are received from the information server (refer to Page 1, Lines 20-30 and Page 2, Lines 5-15).

2. Referring to Claims 2 and 12, BI disclosed which timer means have been provided which at periodically occurring activation supply the activation information to the address retrieval means in order to retrieve the collective address information (refer to Page 1, Lines 20-30).

3. Referring to Claims 9 and 19, Bi disclosed wherein the quality is a measure of is audio data quality (refer to Page 1, Lines 20-30).

4. Referring to Claim 10 and 20, BI disclosed wherein the information servers are internet radio stations (refer to Page 1, Lines 15-20).

5. Referring to Claims 8 and 18, BI disclosed wherein the information data is audio data (refer to Page 1, Lines 20-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Background Information hereinafter BI (pages 1 and page 2, Lines 1-15) in view of Applicant Admitted Prior Art (AAPA, Kerbango Radio, pages 1-3)

6. Referring to Claims 3 and 13, BI did not expressly disclose in which entry means for the manual entry of the address information of a further information server have been provided from which information data processable by the internet receiving arrangement can be retrieved. AAPA disclosed in which entry means for the manual entry of the address information of a further information server have been provided from which information data processable by the

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internet receiving arrangement can be retrieved (tune to the station which want to hear, refer to page 1, par 2).

At the time of the invention, it would have been obvious of ordinary skill in the art to combine AAPA and BI since both arts are analogous.

The suggestion/motivation would have been that the user needs to manually input the necessary information that is needed in able to reach the proper destination, in this case, a desired radio station.

Claims 5-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Background Information hereinafter BI (pages 1 and page 2, Lines 1-15) in view of Official Notice.

7. Referring to Claims 4 and 14, BI discloses in which the address retrieval means, when the activation information is present (turn on the radio, page 1, Lines 1-15), BI did not expressly disclose transcoding address information from the address which transcoding address identifies a transcoding server which is adapted to transcode information data stored in an information server but not processable by the internet receiving arrangement into information data processable by the internet receiving management, and in which the information retrieval means are adapted to retrieve the information data processable by the internet receiving arrangement from the transcoding server identified by the transcoding address information.

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Official notice is taken that it is well known in the art to indicate transcoding address information from the address which transcoding address identifies a transcoding server which is adapted to transcode information data stored in an information server but not processable by the internet receiving arrangement into information data processable by the internet receiving management, and in which the information retrieval means are adapted to retrieve the information data processable by the internet receiving arrangement from the transcoding server identified by the transcoding address information.

The suggestion/motivation would have been that by incorporate the transcoding server into the internet radio, it can play various format of music file such as mp3, so it's not limited to just a simple audio files and provide various selections for radio station to use.

8. Referring to Claims 5 and 15, BI discloses internet receiving arrangement during the time the activation information is present (turn on radio, refer to page 1, lines 1-15).

BI does not expressly disclose noise generator means, which noise generator means are adapted to supply noise information to information data processing means.

Official Notice is taken that it is obvious of ordinary skill in the art to employ noise generator and the noise information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine BI and Official Notice.

The suggestion/motivation for doing so be by providing the noise generation, it provides proper feedback of when utilizing the radio station. It is well known in the art and stated in BI (refer to page 10, Lines 5-15).

9. Referring to Claims 6 and 16, BI disclosed in which the address retrieval means (refer to Page 1, lines 5-15), when activation information is present, are adapted to retrieve item of collective address information from an address servers connected to the internet.

BI did not expressly indicate to retrieve at least two items of collected address information from at least two address servers.

Official Notice is taken that it would have been obvious for ordinary skill in the art to indicate the duplications of the items as well as the servers. Furthermore:

In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies ** in the joint, and a plurality of "ribs" ** >projecting outwardly from each side of the web into one of the adjacent concrete slabs. <The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.).

10. Referring to Claims 7 and 17, BI discloses which internet (refer to Page 1, Lines 1-15) receiving arrangement.

BI did not expressly indicate that the internet television set is adapted to receive and process audio/video data.

Official Notice is taken that it is obvious of ordinary skill in the art to modified the internet radio to the television set to receive audio/video data from the provider.

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The suggestion/motivation would have been that by replacing a internet radio with a television set, it provides users more variety entertainment functionality not just by sounds but providing visual effects as well.

Conclusion

This Office action has an attached requirement for information under 37 C.F.R 1.105. A complete response to this Office action must conclude a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Requirement for Information Under 37 C.F.R. 1.105

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. In response to this requirement, please provide:
 - a) The citation, copy of product information, or publication information which incorporated the claimed subject matter such as “the Kerbango Radio”, which implicates the problem of allocating duplicate aliases that may be material to the patentability of the disclosed invention.


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER